

COMMISSIONERS APPROVAL

GRANDSTAFF *Cg*

ROKOSCH

THOMPSON *at*

CHILCOTT *ag*

DRISCOLL *LD*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Greg Chilcott and Commissioner Kathleen
Driscoll

Date.....March 13, 2008

Minutes: Beth Perkins

- Commissioner Thompson attended a Human Resources Council meeting in Missoula.
- The Board met with WWC Engineers/Consulting regarding subdivision review.
Present were Planning Director Karen Hughes, Planner Renee Lemon, WWC
Engineering Consultants Shawn Higley and Jeremy Fadness.

Shawn asked if the Board of County Commissioners know what kind of elements the Board is looking for these subdivisions. Commissioner Grandstaff stated she would like to see more trails for these subdivisions so they are not dependent on cars. In regard to the Flat Iron Subdivision, she would like to see a trail linking the subdivision into town for walking or biking.

Commissioner Chilcott stated the best guide is the Planning Staff Report for exactions for Fire Districts, School Districts and Public Safety. There is a history of utilizing this tool when approving or denying a subdivision. He further stated working with consultants is a big challenge for the Planning Staff. If the Commissioners are going to be asking for extractions, they need to be clarified prior to the subdivision review. He stated they have a consistent Staff Report with accurate findings of fact and conclusions of law. Those are very important for the Commissioners vote.

Commissioner Driscoll stated she has difficulty if this goes to the city. The issue is they are going to be asking things the Board cannot ask for. She requested uniformity of information between county and city.

Karen Hughes stated if a developer asks for annexation, they will ask the developer to withdraw the county's applications. Commissioner Grandstaff recommended the consultants meet with the city for views on annexation. Commissioner Driscoll stated it would be an insult if they county did not include the city with the subdivision review process. Commissioner Grandstaff stated the city really needs to weigh in on these big subdivisions. Legacy Ranch Subdivision is close to the wildlife refuge, and issues of proper sewage disposal and proper drain fields are a concern to her. She discussed community well systems. Shawn replied they work for other counties on similar issues and get a lot of boilerplate letters. The best approach is contact them for exactly what they mean and get it into the report.

Commissioner Driscoll questioned the carrying capacity for the road. Shawn replied it is a Transportation Department issue. Karen stated Legacy Ranch has direct access to the highway and needs to be reviewed more carefully than Flat Iron. Commissioner Driscoll states she does not understand the traffic flow. She requested a visual explanation. Shawn replied they could scan and put the traffic study into the presentation in order to be more helpful.

Commissioner Chilcott stated Aspen Springs Subdivision would have had drastic impact on the intersection. He stated any thing that has an impact should be mitigated. Guy replied stated they are going to 'mold everything' into what the Board is used to seeing. Renee stated for clarification, Commissioner Chilcott is referring to the intersection of Highway 93 onto Eastside Highway. Karen stated part of the issue with Aspen Springs is that the study has not been done for the corridor. They may have more information now, but they are not given all of the information. She questioned the growth projections that were utilized.

Renee asked the Board if they had considered when they want to see the applications. Commissioner Grandstaff replied she would prefer not to see the applications until they are deemed sufficient for review. Commissioner Driscoll asked about questions prior to the review. Karen replied they have not touched on that topic yet, however, the question is if the Commissioners want to be doing it as individuals or as a Board.

Karen stated Legacy Ranch will move quickly but Flat Iron is 'playing the city game'. Her guess would be they will be seen this summer. There is also the potential for Aspen Springs. Renee questioned an inter-local agreement for the roads. Commissioner Driscoll asked if there are any more subdivisions coming up with both city and county. Karen replied Hawkes Landing was going to go through the City of Stevensville but they stopped their process.

Renee suggested the Board write up a policy. Commissioner Grandstaff asked if the policy should address mitigation. Renee replied yes. Karen stated they need to be on the

same page in this regard and a written policy will help in that regard. Renee asked about site visits and the issue of having a quorum present. Commissioner Chilcott stated at the last site visit; he got a lot of information, and feels it works better going out as individuals rather than a Board.

Commissioner Chilcott asked if Shawn foresees any questions coming for the Board. Shawn replied no. The idea was to get a feel for the questions the Board would like to see. Commissioner Chilcott stated a different perspective would be helpful. It would be good to have other people in the field how to mitigate agricultural land is. Renee asked what kind of information can be used for agricultural land. Shawn replied the biggest argument is with land prices being so high; people are not buying the land to use for agricultural purposes. Commissioner Driscoll stated the Board is trying to mitigate the impacts of having agricultural land permanently removed from agricultural use. Renee noted they have been asked not to use the local importance because of the minimum soils.

Commissioner Jim Rokosch joined the meeting at this time.

Commissioner Rokosch stated they discussed what they would like to see at the last Planning Board meeting. He stated his concern is the access approach permit for Flat Iron. Renee stated they met onsite at Flat Iron yesterday with Road & Bridge Supervisor David Ohnstad. Commissioner Rokosch expressed his concern of the increased traffic on Tammany Lane at the intersection onto Eastside Highway. He discussed the recommendation for pedestrian walkway corridors into Hamilton. He discussed the TMDL for surface water which is new territory but it needs to be considered for impacts to water. He also noted his last communication with DEQ in regard to tributaries; their projections were by early summer to convert numeric standards for phosphorus. He stated he has been advocating that DEQ have permits for TMDL surface waters and their impacts. He discussed consistency with the load and achievements with the TMDLs in place especially with Clark Fork water. Commissioner Rokosch then discussed waste water for Legacy Ranch with the refuge being in close proximity being a concern. He suggested contacting the refuge for comments. He also discussed traffic safety with the load on accident and traffic rates.

► In other business the Board met for a public meeting for Aplin Minor Subdivision plus one variance request. Present were Planner Randy Fifrick, Planner John Lavey, Representative Terry Nelson, Representative Ron Uemera, and Owners Robert & Margaret Aplin.

Commissioner Grandstaff called the meeting to order and requested any conflicts of interest, hearing none. She then requested the Planning Staff Report be read.

Randy presented the Staff Report as follows:

**APLIN SUBDIVISION
FIVE-LOT MINOR SUBDIVISION AND VARIANCE REQUEST**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick

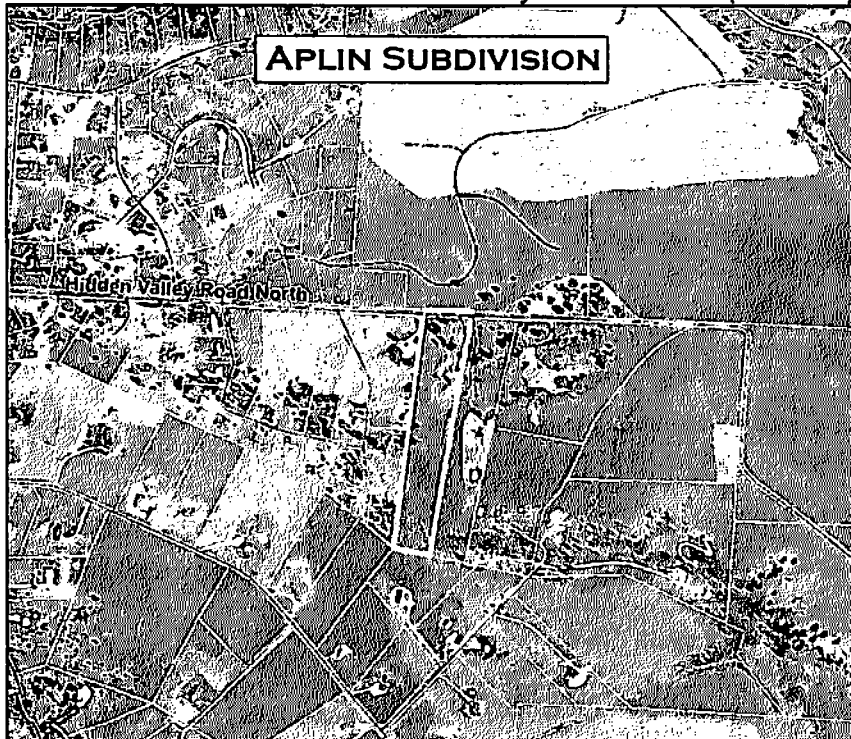
**REVIEWED/
APPROVED BY:** John Lavey

**PUBLIC HEARINGS/
MEETINGS:** BCC Public Meeting: 9:00 a.m. March 13, 2008
Deadline for BCC action: March 24, 2008

APPLICANT: Robert & Margaret Aplin
PO Box 473
Florence, MT 59870

REPRESENTATIVE: Applebury Survey
914 Highway 93
Victor, MT 59875

LOCATION OF REQUEST: The property is located east of Florence off
Hidden Valley Road North. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

LEGAL DESCRIPTION**OF PROPERTY:**

A portion of the NW ¼ of Section 16, T10N, R19W, P.M.M., Ravalli County, Montana.

APPLICATION**INFORMATION:**

The subdivision application was determined complete on February 1, 2008. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-10 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked February 13, 2008. One public comment has been received to date. (Exhibit B-1).

DEVELOPMENT**PATTERN:**

Subject property	Residential
North	Open Land/Approved Subdivision
South	Residential
East	Residential
West	Residential

INTRODUCTION

The Aplin Subdivision will result in five residential lots on 10.66 acres, located approximately 3 miles east of Florence. The applicants will be building an internal subdivision road, Tomasina Road, and improving a portion of Hidden Valley Road North that leads to the subdivision.

Concurrent with the subdivision proposal, the applicant is requesting a variance from Section 5-4-4 (h)(Table B-1) of the Ravalli County Subdivision Regulations, which requires the applicant to establish that "the minimum right-of-way width for a rural collector road or a local road is 60 feet".

Staff recommends approval of the variance and conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COMMISSIONERS**MARCH 13, 2008****APLIN SUBDIVISION****FIVE-LOT MINOR SUBDIVISION AND VARIANCE REQUEST****RECOMMENDED MOTIONS**

1. That the variance request from Sections 5-4-5(h), Table B-1, (easement width) be **approved**, based on the findings of fact and conclusions of law in the staff report.
2. That the Aplin Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture)

Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain Hidden Valley Road North or the internal subdivision road and therefore does not assume any liability for improper maintenance or the lack thereof. This subdivision is party to Road Maintenance Agreement(s) for these roads that were filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (Section 3-2-8(b)(v), Effects on Local Services and Public Health and Safety)

Notification of "very limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (Section 3-2-8(b)(v), Effects on Public Health and Safety)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration, as shown on the plat, to restrict building in the natural drainage. No new structure, with the exception of fences, may be constructed in this area. No new utilities, with the exception of wells, may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Necessary weed control, development of native vegetation, and the installation or maintenance of irrigation infrastructure may occur therein. Roads, trails, and utility crossings through this area are not permitted. The no-build/alteration zone takes effect upon preliminary approval of the subdivision. (Section 3-2-8(b)(v), Effects on Public Health & Safety)

Notification of Water Rights. Lots within this subdivision do not have any water rights. Taking water without a water right for irrigation purposes is illegal. (*Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities*)

Notification of Utility Easements. Within this subdivision there are utility easements. No structure shall be allowed to encroach into or set upon the utility easements. The utility easements shall remain unobstructed and accessible at all times. (*Section 3-2-8(b)(v), Effects on Local Services*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, moose, bear, mountain lion, coyote, fox, skunk and raccoon. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v), Effects on Wildlife & Wildlife Habitat, Effects on Natural Environment*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. Gardens, fruit trees or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species

electric fencing” designed to exclude wildlife from gardens and/or home areas.)

- c. All garbage should be stored indoors or in bear-resistant containers, structures or storage areas. If stored indoors, garbage cans should not be set out until the morning of garbage pickup, and should be taken back indoors that same day, after garbage has been picked up. Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant containers or structures.
- d. Bears can be attracted to food smells associated with outdoor food storage; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- e. Do not feed wildlife or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- f. Birdseed is an attractant to bears. Consider not using bird feeders in this area from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. Pets must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined or indoors also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. Pet food and livestock feed must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such bears,

skunks, and other wildlife. When feeding pets and livestock do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.

- i. Barbecue grills should be stored indoors, and permanent outdoor barbecues grills should not be used in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- j. Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer or elk becoming entangled in the wire or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- k. Compost piles can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- l. Apiaries (bee hives) could attract bears in this area. If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.
- m. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Riparian use guidelines. A no build/alteration zone beginning at the northern edge of the wooded natural drainage extending to the western, northern, and southern property boundaries to protect any associated wetland and/or riparian areas. Encouraging the development of native vegetation (including shrubs and trees)--while discouraging actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. (*Effects on the Natural Environment and Wildlife & Wildlife Habitat*)

The following covenants, designed to guide use of this no build/alteration zone, shall apply:

- a. No new building or alteration is allowed in the zone.
- b. Only non-motorized access and use of the buffer zone is allowed (except for certain maintenance needs such as weed spraying).

- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zone. Wood (i.e., fallen branches, downed trees) is an important part of habitat and contributes significantly to overall slope stability, and dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In general, keep livestock out of the natural drainage, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zone.
- g. In summary, allow riparian areas--the natural drainage and its buffer zone--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org.
(Section 3-2-8(b)(v), *Effects on Natural Environment*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information.
(Section 3-2-8(b)(v), *Effects on Public Health & Safety*)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), Effects on Agriculture and Natural Environment*)

Posting of County-Issued Addresses for Lots within this Subdivision. The Florence Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the accessway leading to each lot as soon as construction on the structure begins. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The Florence Rural Fire District has adopted the Fire Protection Standards. All accesses over 150' in length must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety*)

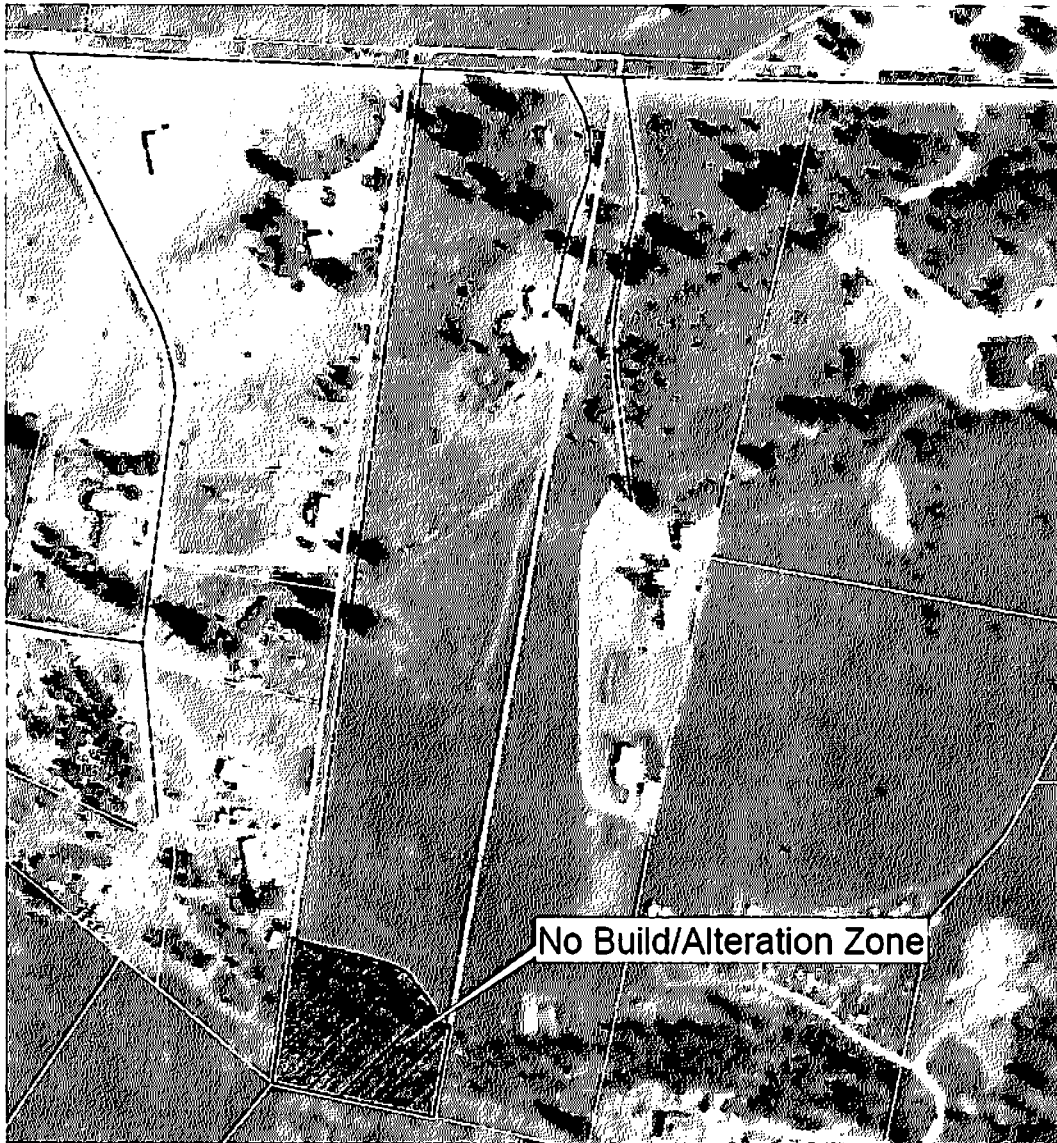
Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v), Effects on Natural Environment*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v), RCSR, Impacts on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Section 3-2-8(b)(v), Effects on all six criteria)*

3. The applicants shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v), Effects on Local Services)*
4. The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the applicants shall provide a letter from the Florence Rural Fire District stating that the applicants have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the applicants may provide evidence that a \$500-per-lot contribution has been made to the Florence Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*
7. The applicant shall submit a letter or receipt from the Florence-Carleton School District stating that they have received an (amount)-per-new-lot contribution prior to final plat approval. *(Section 3-2-8(b)(v), Effects on Local Services)*

8. The applicant shall submit an (amount)-per-new-lot contribution made prior to final plat approval to an account for Public Safety (Sheriff, E-911, OEM) to mitigate impacts on local services and public health and safety. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health and Safety*)
9. Prior to final plat approval, the applicant shall submit an updated road maintenance agreement (RMA) for Hidden Valley Road North, which shall replace the RMA that was recorded August 9, 2007 (Document # 592987) through final plat approval for the Paradise Acres IV Subdivision or any subsequent version. The updated RMA shall state that owners of the lots within the Aplin Subdivision are party to the RMA. Alternatively, the applicant can provide evidence showing that the current parties listed in the existing RMA will not allow additional parties to join the agreement. (*Section 3-2-8(b)(v), Effects on Local Services*)
10. The final plat shall show a no build/alteration zone beginning at the northern edge of the wooded natural drainage extending to the western, eastern, and southern property boundaries to protect any associated wetland and/or riparian areas (See Map 2: No Build/Alteration Zone). (*Section 3-2-8(b)(v), Effects on Natural Environment and Wildlife and Wildlife Habitat*)
11. As proposed by the applicant, Tomasina Road shall be labeled as a "60' public road and utility easement" on the final plat. (*Section 3-2-8(b)(v), Effects on Local Services*)



Map 2: No Build/Alteration Zone
(Source Data: Ravalli County GIS Department)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. The features listed in RCSR Section 3-4-4(a)(ii) are required on the Final Plat. Following are specific features related to this subdivision:

- a) Project name
- b) Title block
- c) Certificate of registered owner – notarized
- d) Certificate of registered land surveyor with seal
- e) Certificate of governing body approval
- f) Signature block for Clerk and Recorder, preferably in lower right hand corner
- g) Certificate of public dedication
- h) Certificate of park cash-in-lieu payment
- i) Other certifications as appropriate
- j) North arrow
- k) Graphic scale
- l) Legal description
- m) Property boundaries (bearings, lengths, curve data)
- n) Pertinent section corners and subdivision corners
- o) Names of adjoining subdivisions/certificates of survey
- p) Monuments found
- q) Witness monuments
- r) Acreage of subject parcel
- s) Curve data (radius, arc length, notation of non-tangent curves)
- t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
- u) Lots and blocks designated by number (dimensions/acreage)
- v) Easements/rights of ways (location, width, purpose, ownership)
- w) No-ingress/egress zones
- x) Irrigation canals including diversion point(s), etc.
- y) Existing and new roads (names, ownership, etc.)
- z) Existing and proposed utility easements, as shown on the preliminary plat, shall be shown on the final plat. (*Prerequisite to Approval A*)
- aa) The easements for the internal roads shall be labeled as 60-foot wide public road and utility easement on the final plat.
- bb) The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical

clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". (Condition 6)

cc) The no build/alteration zone shall be shown on the final plat.
(Condition 10)

3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A Copy of the appraisal report, dated no less than six (6) months from the date of the final plat submittal, for calculating the cash-in-lieu or parkland dedication and a receipt from the County Treasurers Office for the payment of the cash-in-lieu dedication.
13. Evidence of a Ravalli County-approved road name petition(s) for each new road.
14. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
15. Utility availability certification(s) shall be submitted with the final plat submittal.
16. Road maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal. In accordance with Condition 9, the applicant shall provide the necessary road maintenance agreement(s).
 - Portion of Hidden Valley Road North between The proposed Tomasina Road and Heaven's Way and The proposed Tomasina Road
 - Updated Road Maintenance Agreement for Paradise Acres 4 for the section of Hidden Valley Road North between Hidden Valley Road and Heaven's Way
17. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.

18. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
19. A copy of the letter sent to the Florence-Carlton School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities shall be submitted with the final plat submittal.
20. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2). The following improvements are proposed with this proposal:

The applicant shall improve all internal roads to meet County standards (addressed above).

 - The applicant shall hard surface the portion of Heaven's Way from the existing cul-de-sac to the entrance for Remington Ridge prior to final plat approval.
 - Stop and road name signs shall be installed at the intersections of the internal roads.
21. The applicant shall provide evidence that the pro rata share of the cost to improve the portion of Hidden Valley Road leading to the subdivision has been paid prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located within the easements for Hidden Valley Road North and the proposed Tomasina Road. (Application)
2. The internal road will be located within a proposed 60-foot wide public road and utility easement. (Condition 11, Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed by Eastside Highway, Hidden Valley Road, Hidden Valley Road North, and the proposed Tomasina Road. (Application)
2. Eastside Highway is a State highway that provides legal and physical access. (MDT)

Hidden Valley Road

3. Hidden Valley Road is a County-maintained road that provides legal and physical access. (Exhibit A, RCSR)
4. *The applicant is required to pay the pro rata share of the cost to improve Hidden Valley Road to meet County standards. (Requirement 21)*

Hidden Valley Road North

5. Hidden Valley Road North is a privately-maintained County standard road. (Application)
6. The Ravalli County Attorney's Office (CAO) determined that there is legal access via Hidden Valley Road North. (Exhibit A-1)
7. Because the road is not identified as a County-maintained road in Exhibit A of the RCSR, the applicant is required to provide evidence that Hidden Valley Road North currently meets County standards or actually improve

- the road to meet County standards prior to final plat approval. (RCSR Sections 5-4-5(a) and (e))
8. The Road Department has determined that Hidden Valley Road North meets County standards for the existing traffic plus the proposed traffic from Aplin Subdivision, except for proof that it lies within a 60-foot public road easement. (Exhibit A-9)
 9. The applicant is requesting a variance from providing evidence that there is a 60-foot wide public road easement for the entire portion of Hidden Valley Road North leading to the subdivision and staff is recommending approval. (See Variance Report)
 10. The applicant will be required to hard surface the portion of Hidden Valley Road North between Heaven's Way and the proposed Tomasina Road. (RCSR Section 5-4-5(b)(2))
 11. An existing road maintenance agreement was filed for Hidden Valley Road North with the Paradise Acres Phase IV subdivision (Exhibit A-2).
 12. *A notification of road maintenance agreement(s) shall be included in the notifications document. (Condition 1)*
 13. *Prior to final plat approval, the applicant shall submit an updated road maintenance agreement (RMA) for Hidden Valley Road North, which shall replace the RMA that was recorded August 9, 2007 (Document # 592987) through final plat approval for the Paradise Acres IV Subdivision or any subsequent version. The updated RMA shall state that owners of the lots within the Aplin Subdivision are party to the RMA. Alternatively, the applicant can provide evidence showing that the current parties listed in the existing RMA will not allow additional parties to join the agreement. (Condition 9)*
 14. *The applicant will be required to submit a road maintenance agreement for the stretch of Hidden Valley Road North from Heaven's Way to Tomasina Road. (Requirement 16)*
 15. *Prior to final plat approval the applicant will be required to hard surface the stretch of Hidden Valley Road North from Heaven's Way to Tomasina Road. (Requirement 20)*

Tomasina Road

16. The applicant is proposing to construct the internal road, Tomasina Road, to meet County standards. The Ravalli County Road and Bridge Department has issued preliminary approval of the road plans. (Application)
17. The applicant has submitted a preliminary Road Maintenance Agreement for the internal road. (Application)
18. *To ensure physical access on the internal subdivision roads, final approval from the Ravalli County Road and Bridge Department that the internal road was constructed to meet County standards shall be submitted with the final plat. This packet shall include final road plans and grading and storm water drainage plans, and a final letter of approval from the Ravalli County Road and Bridge Department. (Requirement 14)*

19. *To further ensure physical access, the applicant shall submit a road maintenance agreement for Tomasina Road. (Requirement 16)*

Conclusion of Law

With the conditions and requirements of final plat approval, legal and physical access will be provided on Eastside Highway, Hidden Valley Road, Hidden Valley Road North, and Tomasina Road.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Findings of Fact

1. The applicant is proposing to construct Hidden Valley Road North and Tomasina Road as proposed in the road plans that have received preliminary approval from the Ravalli County Road and Bridge Department. (Application)
2. *The applicant is required to install stop signs and road name signs at the intersection of Tomasina Road & Hidden Valley Road North prior to final plat approval. (Requirement 20)*
3. *The applicant is required to submit evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant prior to final plat approval. (Requirement 20)*

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

1. There are no water rights associated with the subject property. (Application)
2. *To mitigate the effects on agricultural water users a notification of water rights shall be included in the notifications document. (Condition 1)*

Conclusion of Law

This requirement does not apply to the Aplin proposal.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

There are no irrigation ditches on or within 300 feet of the subject property. (Application)

Conclusion of Law

This requirement does not apply to the Aplin Subdivision proposal.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. All lots within the subdivision are proposed for residential use. (Application)
2. The applicant proposed cash-in-lieu of parkland dedication. (Application)
3. The applicant is required to donate .53 acres of parkland (Application)

Conclusion of Law

With the acceptance of a cash-in-lieu payment, the parkland requirement will be met.

G. Overall Conclusion on Prerequisite Requirements

With the conditions and requirements of final plat approval, there is credible evidence that the subdivision application meets the prerequisite requirements.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The subdivision proposal meets the design standards in Chapter 5 of the RCSR, except for the easement width of Hidden Valley Road North. The applicants have requested a variance from providing evidence that there is a 60-foot wide public road easement for Hidden Valley Road North and staff is recommending approval. (Application)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR.

Conclusions of Law

1. With approval of the variance, the preliminary plat and subdivision application meet all applicable standards required in the RCSR.

2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Application)

Conclusion of Law

This proposal complies with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Findings of Fact

There are no existing covenants on the property. (Application)

Conclusion of Law

Compliance with covenants is not applicable.

D. Other applicable regulations.

Findings of Fact

1. Following are applicable regulations:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. *Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)*

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 10.66 acres will result in five lots that range in size from 2.0 acres to 2.3 acres. The property is located approximately 3 miles east of the community of Florence off Hidden Valley Road North. (Application)
2. The subject property is located in an area with a mix of residential and agricultural uses. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
3. There is no prime farmland or farmland of statewide importance on the property. (Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
4. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was present on the property. (Application)
5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The application states that there are no water rights associated with the property. (Application)
2. There are no irrigation ditches/facilities within 300 feet of the proposal. (Application)

3. *To mitigate the effects on agricultural water users a notification of water rights shall be included in the notifications document. (Condition 1)*

Conclusion of Law

There will be minimal, if any, impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the jurisdiction of the Florence Rural Fire District. (Application)
 2. Notification letters were sent to the Florence Rural Fire District requesting comments on February 16, 2007 and February 13, 2008. (Subdivision File)
 3. Comments were received from the Florence Fire Chief, Dan Martin, on February 28, 2007. The Florence Fire Department requested that all roads be built to county standard. (Exhibit A-10)
 4. The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. The Fire Council also recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-3)
-
5. *The following conditions will mitigate impacts of the subdivision on the Florence Rural Fire Department:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
 - *Prior to final plat approval, the applicants shall provide a letter from the Florence Rural Fire Department stating that the applicants have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for the additional lot. Alternatively, the applicants may provide evidence that \$500 has been contributed to the Florence Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather*

surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". (Condition 6)

School District

6. The proposed subdivision is located within the Florence-Carlton School District. (Application)
7. It is estimated that 2 school-aged children will be added to the Florence-Carlton School District, assuming an average of 0.5 children per household. (Census 2000)
8. In a letter dated February 14, 2008, John McGee, Superintendent of the Florence-Carlton School District, stated that the School District is requesting a fee of \$10,418 per lot. This fee is based on an impact fee study. The County has yet to adopt impact fees. (Exhibit A-4)
9. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil, excluding capital, would be \$2,239 for the Florence-Carlton School District. (Exhibit A-5)
10. Ernie Jean, County Superintendent, sent a letter to the Ravalli County Commissioners stating that Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turnaround if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-6)
11. A bus turnout may be installed as part of final plat approval for Remington Ridge Subdivision that could be utilized by students in the subdivision. (Remington Ridge PPD)
12. Considering that Hidden Valley Road North and Tomasina Road are privately-maintained roads, the number and size of the lots of the proposal, and the districts policy of not traveling on private roads, the Planning Department determined that a bus turnout is not necessary for this subdivision. (Staff Determination)
13. *To mitigate impacts on the School District, the applicant shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an (amount) per-lot contribution prior to final plat approval. (Condition 7 and Final Plat Requirement 21) (Staff Note: Since the applicants and the School District did not agree on an amount, staff recommends that the BCC negotiate an amount with the applicant and include the appropriate finding(s) supporting the amount in their decision.)*

Water and Wastewater Districts

14. Individual wells and wastewater treatment systems are proposed to serve the lots. (Application)
15. The property is not near any municipal water or wastewater systems. (Application)

Public Safety

16. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Application)

17. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on February 16, 2007 and February 13, 2008, but no comments have been received from the Sheriff's Office. (Subdivision File)
18. The average number of people per household in Ravalli County is 2.5. (Census 2000)
19. *To mitigate impacts on local services, the applicant shall submit an (amount)-per-lot contribution made prior to final plat into an account for Public Safety (Sheriff, E-911, OEM) to mitigate impacts on local services and public health and safety. (Condition 8)*

Emergencies Services

20. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department and/or Missoula Emergency Services. Notifications were sent to Marcus Daly and Missoula Emergency Services requesting comments on February 16, 2007 and February 13, 2008, but no comments have been received from the Sheriff's Office. (Subdivision File)
21. *To mitigate impacts on emergency services, the applicant shall provide evidence with the final plat submittal that they have applied for a County-issued address for each lot within the subdivision. (Condition 4)*

Solid Waste Services

22. Bitterroot Disposal provides solid waste service to this site. (Application)
23. Notification letters were sent to Bitterroot Disposal requesting comments on February 16, 2007 and February 13, 2008, but no comments have been received to date. (Subdivision File)

Utilities

24. The proposed subdivision will be served by Ravalli Electric Coop and Qwest Communications. (Application)
25. Notification letters were sent to both utility companies requesting comments on February 16, 2007 and February 13, 2008, but no comments have been received to date. (Subdivision File)
26. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - A notification of utility easements shall be included in the notifications document. (Condition 1)
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit utility availability certifications from Ravalli Electric Coop and Qwest Communications prior to final plat approval. (Final Plat Requirement 15)*

Roads

27. It is estimated that this subdivision will generate an additional 32 trips per day. (Application)
28. The subject property is accessed by Eastside Highway, Hidden Valley Road, Hidden Valley Road North, and Tomasina Road. (Application)
29. Eastside Highway is a State highway that provides legal and physical access. (MDT)

Roads- Hidden Valley

- 30. Hidden Valley Road is a County-maintained road that provides legal and physical access. (Exhibit A, RCSR)
- 31. *The applicant is required to pay the pro rata share of the cost to improve Hidden Valley Road to meet County standards. (Final Plat Requirement 21)*

Roads- Hidden Valley Road North

- 32. Hidden Valley Road North is a privately-maintained County standard road. (Application)
- 33. The Ravalli County Attorney's Office (CAO) determined that there is legal access via Hidden Valley Road North. (Exhibit A-1)
- 34. Because the road is not identified as a County-maintained road in Exhibit A of the RCSR, the applicant is required to provide evidence that Hidden Valley Road North currently meets County standards or actually improve the road to meet County standards prior to final plat approval. (RCSR Sections 5-4-5(a) and (e))
- 35. The Road Department has determined that Hidden Valley Road North meets County standards for the existing traffic plus the proposed traffic from Aplin Subdivision, except for proof that it lies within a 60-foot public road easement. (Exhibit A-9)
- 36. The applicant is requesting a variance from providing evidence that there is a 60-foot wide public road easement for the entire portion of Hidden Valley Road North leading to the subdivision and staff is recommending approval. (See Variance Report)
- 37. The applicant will be required to hard surface the portion of Hidden Valley Road North between Heaven's Way and the proposed Tomasina Road. (RCSR Section 5-4-5(b)(2))
- 38. An existing road maintenance agreement was filed for Hidden Valley Road North with the Paradise Acres Phase IV subdivision (Exhibit A-2).
- 39. *A notification of road maintenance agreement(s) shall be included in the notifications document. (Condition 1)*
- 40. *Prior to final plat approval, the applicant shall submit an updated road maintenance agreement (RMA) for Hidden Valley Road North, which shall replace the RMA that was recorded August 9, 2007 (Document # 592987) through final plat approval for the Paradise Acres IV Subdivision or any subsequent version. The updated RMA shall state that owners of the lots within the Aplin Subdivision are party to the RMA. Alternatively, the applicant can provide evidence showing that the current parties listed in the existing RMA will not allow additional parties to join the agreement. (Condition 9)*
- 41. *The applicant will be required to submit a road maintenance agreement for the stretch of Hidden Valley Road North from Heaven's Way to Tomasina Road. (Requirement 16)*
- 42. *Prior to final plat approval the applicant will be required to hard surface the stretch of Hidden Valley Road North from Heaven's Way to Tomasina Road. (Requirement 20)*

Roads- Tomasina Road

43. The applicant is proposing to construct the internal road to meet County standards. The Ravalli County Road and Bridge Department has issued preliminary approval of the road plans. (Application)
44. The applicant has submitted a preliminary Road Maintenance Agreement for the internal road. (Application)
45. *To ensure physical access on the internal subdivision roads, final approval from the Ravalli County Road and Bridge Department that the internal road network was constructed to meet County standards shall be submitted with the final plat. This packet shall include final road plans and grading and storm water drainage plans, and a final letter of approval from the Ravalli County Road and Bridge Department. (Requirement 14)*
46. *To further ensure physical access, the applicant shall submit a road maintenance agreement for Tomasina Road. (Requirement 16)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on local services.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. In an email dated December 31, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could be vehicles, and/or wood-burning stoves. There are no gravel roads accessing the subdivision. (Exhibit A-7)
2. *To mitigate impacts on air quality, a recommendation for EPA-certified wood stoves shall be included in the covenants. (Condition 2)*

Ground Water Quality

3. The applicants are proposing individual wells and wastewater facilities. (Application)
4. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
5. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Surface Water Features

6. An unnamed natural drainage traverses the southern part of the parcel, through Lot 5. (Application, Site Visit, GIS data)
7. In a letter dated February 28, 2008, Montana Fish, Wildlife, and Parks stated the US Geological Survey map for this area indicates a natural drainage that runs roughly east to west through Lot 5 of the subdivision. (Exhibit A-8)

8. In order to protect this natural drainage feature and its function, FWP suggests consideration of the following: (Exhibit A-8)
 - A. Designating a 50-foot "no build/alteration" setback extending outward from each side of the centerline of this drainage.
 - B. Delineating and labeling this setback on the plat.
 - C. Adding protective (riparian) covenants to guide the use of this area.
9. *To mitigate the impacts on natural drainage:*
 - *The final plat shall show a no build/alteration zone beginning at the northern edge of the wooded natural drainage extending to the western, northern, and southern property boundaries to protect any associated wetland and/or riparian areas (See Map 2: No Build/Alteration Zone). (Condition 10)*
 - *A notification of the no build/alteration zone shall be included in the notifications document. (Condition 1)*
 - *The covenants shall include a riparian use guidelines section. (Condition 2)*

Light Pollution

10. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
11. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

12. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was present on the property. The applicant has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Subdivision Application)
13. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
14. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Application).
15. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Historical/Archeological Sites

16. The application states that there are no known sites of historical significance on the property. (Application)
17. *The covenants shall include an archeological resources section. (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

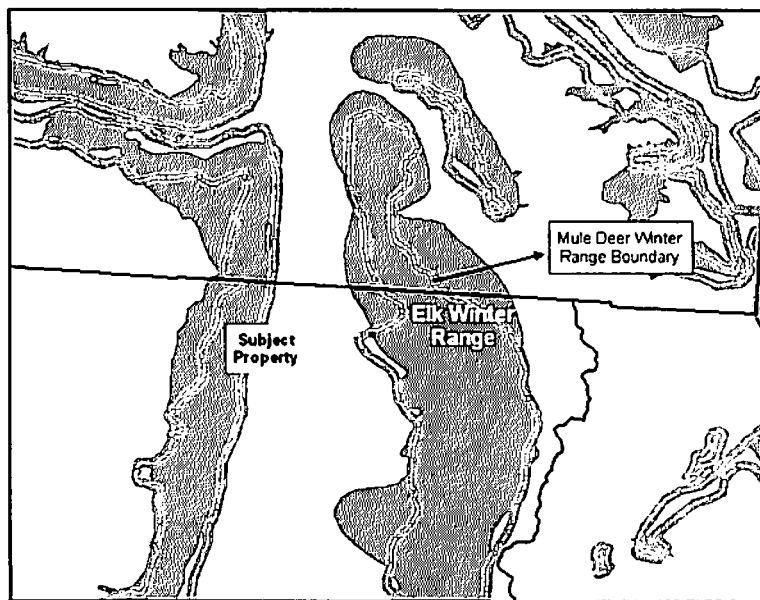
CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

In a letter dated February 28, 2008, Fish, Wildlife & Parks (FWP) stated that this property has an elevated probability of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-8)

FWP stated that wildlife such as white-tailed deer, mule deer, coyote, fox and skunk are found in the area, as well as possible black bear and possible mountain lion. (Exhibit A-8)

Map 3 shows elk and mule deer winter range boundaries in relation to Aplin Subdivision at a scale of 1:250,000. The data was created by FWP and the Rocky Mountain Elk Foundation at a scale of 1:250,000 and should not be used at a larger scale (zoomed in closer to Aplin Subdivision). At this scale, the property is located within mule deer and elk winter range.



Map 3: Elk and Mule Deer Winter Range
(Source Data: FWP)

Although the property is located within big-game winter range, FWP stated that it is located approximately 2.5 miles west of the forested foothills and is not heavily used by wintering elk. (Exhibit A-8)

According to Montana Natural Heritage Program (MNHP), the Lewis's Woodpecker was identified as species of concern as it have been known to exist in the same section as the proposed subdivision. (Application)

The applicant submitted and was granted a waiver from completing a sensitive species report because the applicant provided evidence that the subject property does not have habitat that would support the species in question. (Subdivision File)

To mitigate impacts on wildlife and wildlife habitat, the following conditions shall be met:

- *The covenants shall include a living with wildlife section. (Condition 2)*

- *The covenants shall include a riparian covenants section. (Condition 2)*
- *The covenants shall include a provision recommending full cut-off lighting. (Condition 2)*
- *The final plat shall show a no build/alteration zone beginning at the northern edge of the wooded natural drainage extending to the western, eastern, and southern property boundaries to protect any associated wetland and/or riparian areas (See Map 2: No Build/Alteration Zone). (Condition 9)*

Conclusion of Law:

With the mitigating condition of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The subject property is accessed by Eastside Highway, Hidden Valley Road, Hidden Valley Road North, and Tomasina Road. (Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Florence Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services. (Application)
4. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
6. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 9)*

Natural and Man-Made Hazards

7. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
8. The addition of a residential home in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass

into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)

9. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites.
10. *To mitigate possible impacts on public health and safety, the following conditions shall be met:*
 - *A notification of very limited soils shall be included in the notification document. (Condition 1)*
 - *The covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

VARIANCE REQUEST

The applicant is requesting a variance from Section 5-4-4 (h)(Table B-1) of the Ravalli County Subdivision Regulations, which requires the applicant to establish that "the minimum right-of-way width for a rural collector road or a local road is 60 feet". The Ravalli County Road and Bridge Department has determined that the road meets County standards, except for the 60-foot wide easement.

Variance Analysis

Section 7-3-5(a), RCSR, outlines two sets of criteria to be used in analyzing a variance request.

Prerequisite Variance Criteria

In order for a variance to be considered for approval, the BCC must first determine that the variance request meets these stipulations:

1. Strict compliance with these regulations will result in undue hardship.
2. Compliance is not essential to the public welfare.

Variance Review Criteria

If and only if a positive determination is made on both of the prerequisite criteria, the BCC may then consider the variance for approval, based on the five variance review criteria:

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

- C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).
- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.
- E. The variance will not cause a substantial increase in public costs.

Both sets of criteria were reviewed simultaneously. Findings for Prerequisite Criterion #1 are based on an analysis of Variance Review Criteria B and C. Findings for Prerequisite Criterion #2 are based on an analysis of Variance Review Criteria A, D, and E.

Five Variance Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. Hidden Valley Road North is a privately-maintained road providing access to the subdivision. (Application)
2. The applicant will be required to hard surface the portion of Hidden Valley Road North between Heaven's Way and Tomasina Road. (RCSR Section 5-4-5(b)(2))
3. The applicant is required to prove that the road currently meets County standards or improve the road to meet County standards prior to final plat approval. The County standards include a requirement for a 60-foot wide public road easement. (Section 5-4-5(a) and (e), and 5-4-4, Table B-1, RCSR)
4. In 2007, the developers of the Paradise Acres IV Major Subdivision and Remington Ridge Major Subdivision submitted evidence that Hidden Valley Road North met the County road standards in place at that time from the beginning of Hidden Valley Road to the intersection of Heaven's Way with Hidden Valley Road North. Based on that evidence, the Ravalli County Road and Bridge Department Supervisor has deemed that Hidden Valley Road North meets current County standards for the proposed Aplin Subdivision, except for the 60-foot wide public road easement. (Exhibit A-9)

Conclusions of Law:

1. The granting of the variance will not be substantially detrimental to public health and safety, general welfare, and adjoining properties because Hidden Valley Road North meets the County standards for the current amount of traffic plus the proposed traffic from Aplin Subdivision, except for the 60-foot wide public road easement.
2. The existing easement is adequate because the developers are not required to make any improvements to Hidden Valley Road North that would require a full 60-foot wide easement.

- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Findings of Fact:

1. Currently, Hidden Valley Road North is not on the list of County-maintained roads. (Exhibit A, RCSR)
2. Legal counsel for the County has determined that Hidden Valley Road North is most likely a public road, but they have been challenged in finding the supporting records. (Exhibit A-1)
3. If Hidden Valley Road North is a public road, then it should be on the list of County-maintained roads, which would relieve the applicant from providing evidence or obtaining a 60-foot wide easement. (Exhibit A, RCSR)

Conclusion of Law:

The difficulty in determining the legal status of Hidden Valley Road North is a unique condition to the property.

- C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Findings of Fact:

1. Because North Hidden Valley Road is not listed as a County-maintained road, the applicants are required to provide evidence that the road meets County standards or improve the road to meet County standards. (RCSR)
2. North Hidden Valley Road meets County standards for Aplin Subdivision, except for providing a public easement. (Application)
3. Legal counsel for the County has determined that Hidden Valley Road North is most likely a public road, but they have been challenged in finding the supporting records. (Exhibit A-9)
4. If Hidden Valley Road North is a public road, then it should be on the list of County-maintained roads, which would relieve the applicant from providing evidence or obtaining a 60-foot wide easement. (Exhibit A, RCSR)
5. The application states there is no physical condition which affects this variance request at all. (Application)

Conclusion of Law:

The confusion over the legal status is not a physical condition. No physical condition exists to prevent the applicant from meeting the strict letter of the law.

- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.

2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined in italics below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions. (Ravalli County Growth Policy)

Countywide Goal 4: *Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.*

Countywide Policy 4.4: *Improve and maintain existing infrastructure and public services.*

- Hidden Valley Road North has been deemed to meet County standards for the current traffic plus the proposed traffic for Aplin Subdivision, with the exception of easement width. Existing utilities are already located along the length of roadway providing access to the proposed subdivision. (Exhibit A-9, Application)

Conclusion of Law:

The subdivision proposal complies with applicable zoning regulation and the adopted Growth Policy.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. The roadway meets current County standards with the exception of the easement width. (Exhibit A-9)
2. All improvements required by Chapter 5 of the RCSR shall be paid for by the developer. (RCSR 5-1-6)

Conclusion of Law:

The granting of the variance will not cause a substantial increase in public costs.

Prerequisite Variance Criteria

A. Strict compliance with these regulations will result in undue hardship.

Findings of Fact:

1. The conclusion for Criterion B is that the difficulty in determining the legal status of Hidden Valley Road North is a unique condition to the property.
2. The conclusion for Criterion C is that the confusion over legal status is not a physical condition. No physical condition exists to prevent the applicant from meeting the strict letter of the law.

Conclusion of Law:

Strict compliance with these regulations will result in undue hardship.

B. Compliance is not essential to the public welfare.

Findings of Fact:

1. The conclusion for Criterion A is that granting the variance will not be substantially detrimental to public health and safety, general welfare, and adjoining properties because Hidden Valley Road North meets the County standards for the current amount of traffic plus the proposed traffic from Remington Ridge, except for easement width.
2. The conclusions for Criterion D are that the variance request complies with applicable zoning regulations and does not vary from the provisions in the Growth Policy.
3. The conclusion for Criterion E is that the granting of the variance will not cause a substantial increase in public costs.

Conclusion of Law:

Compliance is not essential to the public welfare.

C. Overall Conclusion on Hardship and Public Welfare

The variance application provides evidence that there is an undue hardship and that compliance with the RCSR is not essential to the public welfare.

Commissioner Grandstaff opened public comment for the variance.

Terry stated the variance is simple and identical to the Remington Ridge variance that was granted. It was to his understanding there was a ruling this is a private road with public access. The road does have 60 foot of public easement. The width is not the issue rather; the word 'public' is. From Heaven's Way to Hidden Valley Road, it is built as county standard.

Margaret Aplin stated Terry has covered this very well. They have been aware of the public/private road issue from the beginning of this project. She was in attendance when Judge Langton deemed this as a private road with a public easement. It shows up as road and utility easement.

Commissioner Grandstaff closed public comment for the variance request.

Commissioner Rokosch asked if the road to Bow Drive is developed to county standards. Terry replied yes, but Tomasina Road will have to be upgraded. They would like a variance on this entire road. Commissioner Chilcott stated they could construct a county standard road. Terry stated it shows as road and utility, but not public road and utility, although it has been used as public. Commissioner Chilcott stated it is an argument of public use. Terry stated it is much easier to request this variance where it has been brought forth in the proper manner. Another thing this variance does is state they are agreeing that this does not meet county standards and therefore it kicks in the pro rata.

Commissioner Rokosch made a motion that the variance request from Sections 5-4-5(h), Table B-1, (easement width) be approved, based on the findings of fact and conclusions of law in the staff report. Commissioner Chilcott seconded the motion, all voted 'aye'.

Commissioner Grandstaff opened public comment for the subdivision.

Terry stated they are in agreement with the Staff Report and presented proposed mitigation to the Board. (See Attached).

Commissioner Grandstaff closed public comment and opened Board deliberations.

Commissioner Rokosch questioned the no build/alteration zone and the bus turn out. Terry pointed out the bus turnaround on Heavens Way. He stated the children are picked up there. It will be substantially wider than it is now. He suggested they push the road to one side or another for a possible trail in the future. For the no build/alteration zone, the Big Ditch used to go all the way down and it used to be the overflow. The Big Ditch now stops at dry gulch. The drainage has several houses built within it. The Aplins have never seen water there. The Big Ditch is broken into several ownerships. They have limited soils on Lot 5, and planning recommended having the no build/alteration zone for possible collection of water. It is a very dry area and most of the rain fall will seep in before collecting in the area.

Commissioner Grandstaff asked Margaret how long they have lived there. Margaret replied 20 years and there has never been water there. Margaret described the ditch as being dry, rocky bottomed with no riparian grasses or wildlife. Commissioner Grandstaff asked if she was okay with the no build/alteration zone to the south. Margaret replied they agree with the Planning Staff Report.

Commissioner Driscoll asked about the path on the road. Terry replied there is a waiver of RSID. If the neighbors want a pedestrian path, the subdivision cannot be excluded. He stated the road can be altered to either side which is 18 feet on each side to allow the pathway. Commissioner Chilcott suggested doing the same thing as the Adams Acres Subdivision, which is altering the road more to one side in order to allow a walk path. Terry replied they can move it more to the west. Commissioner Driscoll stated the area is becoming more like a town. There needs to be an area for children to walk without crossing someone's property. Terry replied the children are already going to have a collection way to the bus turnaround. Commissioner Driscoll stated she would like to see it for the future. Terry stated the cul de sac is the collector/meeting point.

Commissioner Grandstaff suggested discussing the mitigation rather than reviewing the six criteria individually. The Board concurred.

Commissioner Chilcott made a motion that the Aplin Minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report including the offered mitigation of

\$500 to the Florence Fire District payable upon final plat approval, \$1280 to the Florence School District with half payable upon final plat approval and the remainder upon first conveyance with CPI added, \$500 to emergency Services payable upon first conveyance with CPI added, \$200 to General Fund payable upon first conveyance with CPI added, \$250 to the Open Lands Board payable upon first conveyance with CPI added and moving the road to the west to allow the walking path. Commissioner Driscoll seconded the motion, all voted 'aye'.

► The Board met for discussion of Implementation of Countywide Impact Fee Ordinance with Civil Counsel. Present were County Attorney George Corn, Deputy County Attorney Karen Mahar, and Impact Fee Advisory Committee Representative John Meakin.

George stated he has been speaking to the cities and counties who have implemented the impact fees such as the city of Kalispell. Kalispell is putting together a CD for a template of resolution for waste water and storm water. The study included several examples per equivalent domestic unit. George discussed Polson being another jurisdiction that utilized Tischler Bise for their study. Fee implementation was for Parks, Water, Sewer and Fire/Rescue for a \$62,000 study. George stated prior to the use of impact fees they utilized capital improvement fees such as a charge of \$150 for water fee hook up. They now have a schedule and a two part connection fee. Gallatin County decided not to adopt impact fees after the study. George stated the cost of the study would be based on county size.

George stated Gallatin County's cost of the study was \$110,000. Commissioner Grandstaff asked if this is separate from a capital improvements plan. George replied they must have a capital improvement plan in place first. Commissioner Chilcott stated what they thought they were receiving from pro rata was consistent to the capital improvements. George stated the study will cost anywhere from \$75,000 to \$100,000. Commissioner Chilcott stated the estimations were \$14,000 for each of the fire districts. The concern is doing the study on top of a capital improvements plan. He stated they can recover the costs of the impact fees through the study.

George stated the 2005 legislature made it clear the county can collect impact fees. Commissioner Rokosch asked if any counties have been challenged. George replied no, and Polson was watched with Wal-Mart going in, however they were never challenged. Polson has received \$250,000 from Wal-Mart thus far for impact fees. George referenced the Ordinance for Polson for implementation of the impact fees. He stated they established a good community process with the study. He reviewed the document quickly hitting key topics such as findings of fact, capital improvements plan, definitions, and the need for an administrator. He stated several districts could be done in one Resolution. Commissioner Chilcott asked if the impact fee had to be assessed on the start of new construction. George replied he will research that answer. Commissioner Rokosch asked if this had to be limited to subdivisions. George stated it was addressed in the body of the Polson Ordinance.

George then reviewed the fee schedule of the Polson Ordinance with the Board. He discussed the collection of fees and acceptance of issues such as the dedication and construction of improvements and community water systems. George recommended the Board review the content of Polson's Ordinance; then they could discuss how Ravalli County could proceed.

Commissioner Chilcott quoted MCA 7-6-1603 (2) in regard to the collection of fees being utilized for construction that is not limited to subdivision approval. Commissioner Rokosch stated the Board still needs to work through the administrative process similar to the one Corvallis School Board went through. This ordinance does not address adopting fees for a school district. He stated there is a school district that has completed a study and is now ready for the Board to implement it.

Impact Fee Advisory Board Member John Meakin discussed the new amount being \$6,802 for impact per pupil to the school. Commissioner Chilcott stated school districts require a unanimous vote for implementation. Commissioner Rokosch asked how broad the Board should make this, other than the name of the school district and their basis. George replied this should be one step at a time for the schools. Tischler Bise would be the experts if this were challenged. Commissioner Chilcott asked about irrigation districts needing a unanimous vote as well. He noted the only votes that do not need to be unanimous are incorporated cities.

Commissioner Thompson joined the meeting at this time.

Commissioner Driscoll discussed low income housing being an exclusion in regard to payment of impact fees. Commissioner Rokosch asked about having some kind of ordinance for the school district. George stated they could have an individual ordinance and by resolution establish certain impact fees. Commissioner Rokosch stated the impact fees enacted could be done if the statutory criteria are met. George indicated that is correct. Commissioner Grandstaff asked if each district would have to do their own study. John replied they already have. Commissioner Chilcott stated they need to fulfill the public process on a case by case basis. Commissioner Grandstaff stated it would give the Board the ability to adopt the impact fees upon presentation. George stated the public process procedure can not be shortened. Commissioner Chilcott stated Tischler Bise can address and justify the impact fees of said each issue.

John stated they have talked with many school districts as well as the All Valley Fire Council. They liked the idea of having an ordinance adopted by the Commissioners because for individual cases, it is costly and time consuming. In the case of Corvallis, they have done a complete impact fee study and all of the legal steps required by the MCA. The report has also been reviewed by the Impact Fee Advisory Committee for contents. \$25,000 and a year's worth of time have been spent on this study. He thinks it should require a public hearing for input on impact fees. George stated there is no intent of waiting, and the county can draft an 'umbrella ordinance' which allows the individual school districts to come forward with their specific findings of fact for their impacts.

George stated he is not aware of any other school district completing a study. Commissioner Grandstaff asked what would be the purpose of having an 'umbrella ordinance' when they have to have a public meeting on each individual study. Discussion followed regarding the need for an umbrella ordinance.

Commissioner Rokosch stated his concern of having to go through the process numerous times, when with an 'umbrella ordinance' they satisfy the basic requirements of Senate Bill 185. George stated it is the matter of findings for the specific district. He stated typically it would be found by the Tischler Bise study. The nexus has to be specific. Commissioner Chilcott stated there have to be findings of fact to supplement capital costs, but why would the county bear that cost? Commissioner Grandstaff stated it has to be specific findings. Commissioner Rokosch stated they are asking the school district to provide them with findings and now to ask them to write the ordinance for the county to adopt. Discussion followed regarding what has been asked for. Commissioner Grandstaff asked what the next step would be. George replied they should look at other ordinances and also talk to the school districts for a draft ordinance.

Minutes: Glenda Wiles

► In other business the Board met with Treasurer JoAnne Johnson to discuss personnel and training issues. Present was Deputy County Treasurer Marie Keeton. JoAnne stated they are in the process of hiring a temporary employee due to a regular employee taking medical leave. During this medical leave she will hire a temporary employee, but they are still short-handed. JoAnne will be attending a Billings meeting April 1 – 4th for training on the software conversion. She also noted they have employees that have planned vacations and sick leave is always utilized. She visited with Skip about closing her office during that week of training during the noon hours of 12:30 to 1:30 p.m. She indicated Civil Counsel Alex Beal reviewed state law and advised here she is allowed to have that closure. JoAnne indicated she was simply asking for the Commissioners' blessing and to let them know the importance of closing this office during the lunch hours between April 1st and April 4th. The Commissioners concurred. JoAnne will put out some public service announcements in order to notify the public.

► Skip Rosenthal met with the Board to advise them K C Construction has completed the railings in front of the Hamilton House in Victor. Glenda has the file and will pay the invoice when presented.

► The Board held a second public hearing for the purpose of obtaining public comments on a proposed application for bio-fuel production facility located near Corvallis, under the Montana Community Development Block Grant (CDBG) program administered by the Montana Department of Commerce. It was noted proper legal notice was done through the paper of record, the Ravalli Republic. Present at this meeting was Ravalli County Economic Development Director Julie Foster, Cory Johnson of T-Fuels located in Corvallis, Dick King of Missoula Economic Development and Chad Delong of Missoula Area Economic Development Corporation. Julie stated she is working with T-Fuels and Missoula County in order to put together a CDBG application as soon as the end of next

week. Julie stated this is a first come first service grant funding so they would like to move forward as quickly as possible.

Commissioner Thompson stated there is quite a bit of talk in Washington D.C. about the bio mass and energy. He stated Ravalli County is not the only ones that are looking at this type of thing.

Cory Johnson stated they are algae based bio diesel plant with a 10 million gallon production. The plant will be located on land north of Corvallis which they are in the process of purchasing. They are looking at \$1.3 million annual payroll with 20 employees. Their lowest paid will be higher than the higher paid employees in the valley. They hope to pull some experts from the U of M, and will have annual operating budget of \$15 million. Algae based bio diesel is 100% bio degradable and is less toxic than table salt. Their cost to produce this product is around \$2.00 per gallon. B-100 (pure diesel) sells for just less than \$5.00 a gallon. Cost to the consumer would be around \$2.80 per gallon. Other products that produce oil such as soy are running \$4.80 per gallon which is higher than they have ever seen. There are many economic factors that drive these costs such as the low value of the American dollar.

Julie stated this is a \$400,000 Community Development Block Grant.

Commissioner Thompson asked how the product produced would be transported. Cory stated 70% of what they produce will be moved by rail to Eco Energy of Nashville.

Julie stated the decision by the state will be made the end of April or first of May. She indicated the State had \$2.2 million that will need to be divided up between these types of submittals. She also indicated Charlie Wright is expecting 4 or 5 project submittals and they are aware of this project.

Cory stated they hope to be in production by March of 2009. They hope to have the property out of escrow by June of 2008. Thus far they have not solicited any state monies, but they are looking into some private funding.

Dick King stated they are assisting Julie in this endeavor. The County must submit the application with a Resolution. **Commissioner Chilcott made a motion to adopt a resolution to submit application for RCEDA to submit the CDBG grant application for T-Fuels. Commissioner Driscoll seconded the motion.** Discussion of the motion: included the process of this grant submittal and sub-recipient agreement between RCEDA and the County. Dick King stated they would like to see the county apply for some state funding under the Trust Funds. That could fund another \$100,000 that could be utilized for land acquisition. There will be activity and administrative funds to cover the county costs. The CDBG is a loan to the company, so if they secure \$400,000; \$370,000 goes to the company and \$30,000 would go to the county for their costs. The company then makes payments back to the CDBG revolving fund. Cory stated the total cost of this company is over \$26 million. Dick stated they have seen a lot of proposals and there is a lot of buzz about bio mass, but Cory and his staff has done an excellent job

in preparing the application which includes the environmental assessment and review. If the county does not apply now, they would have to wait another year. This is a good project because the state would be partnering with the county on this new venture.

Regarding the Big Sky Economic Trust Fund, (BSECTF) it was agreed this fund needs to be added to the motion. Commissioner Chilcott made a motion to amend his motion to include BSECTF, Commissioner Driscoll second to amend the motion. All voted "aye" to amend the motion. (Big Sky is a state program carved out of the coal trust fund which is interest money). All voted "aye" for the submittal of this resolution for the CDBG application and BSETF. (See Resolution No. 2266)

Discussion of training for the employees was discussed.

Commissioner Grandstaff asked if this grant application is not successful, what the contingency program would be. Cory stated they are looking into USDA loans and private placement equity for the balance of the monies if this grant is not awarded. The plant will have 34,000 sq ft and 38,000 sq ft on 24 acres of ground.

Julie also addressed the GSK close out. Skip, Commissioner Chilcott and JoAnne were the signers. The Department of Commerce now needs a new signature certification form since Skip is no longer with the county. It was agreed Commissioner Grandstaff, Commissioner Chilcott and Treasurer JoAnne Johnson will be on the new form.

► In other business the Board met with Planning Project Planner Jen DeGroot in regard to a request of cash in lieu of parkland for Stevi Flats Major Subdivision. **Commissioner Chilcott made a motion to allow \$29,134.86 cash in lieu of park land as fulfillment of the park land requirements. Commissioner Grandstaff seconded the motion. All voted "aye".**